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Legislature Passes Measures to Meet Critical Needs of California Courts

Key Legislation to Create New Judgeships and Help Speed Transfer of Deficient Courthouses to State

San Francisco—The California Legislature has approved key legislation that will create 50 new judgeships in state trial courts and help speed the transfer of seismically deficient courthouses to the state, in actions that will dramatically improve access to justice across the state. Both bills had no opposition in the Senate and received strong bipartisan support in the Assembly.

“I applaud the Legislature for its leadership in passing these important measures that will add critically needed judgeships to assist our courts in providing timely and effective justice to the people of California,” declared Chief Justice Ronald M. George.

“The judicial branch also is extremely grateful for the passage of legislation that will help ease the transfer of courthouses to the state under the Trial Court Facilities Act, one of the most significant court reforms in recent history,” he continued.

Administrative Director of the California Courts William C. Vickrey stated: “Legislative leaders from both sides of the aisle and the Governor’s Office and his staff deserve tremendous credit for their support of legislation to increase the number of trial court judgeships and facilitate the transfer of courthouse—both are vital to the administration of justice in California. Court and bar leaders across the state worked tirelessly for these reforms that are a major step toward ensuring that access to justice is a reality for all in California.”

“Senate Bill 56 will go a long way to help ease the severe backlog of criminal and civil cases in jurisdictions that have experienced

(over)

major population and caseload growth such as Riverside County,” said Presiding Judge Sharon J. Waters, of the Superior Court of Riverside County. “I extend my thanks and appreciation to the Legislature and Governor’s Office for their leadership on this issue.” Presiding Judge Waters chairs the Judicial Council’s Trial Court Presiding Judges Advisory Committee.

New Trial Court Judgeships—Senate Bill 56 (Dunn), which received a 67-0 vote in the Assembly and a 38-0 vote in the Senate, will create 50 new judgeships in California during fiscal year 2006–2007, to help ease the severe judgeship shortage in many California courts. The judgeships will be allocated according to uniform criteria in the Judicial Council’s Judgeship Needs Study. The ramifications of the judgeship shortage have been far-reaching, including a decrease in the public’s access to the courts, an unstable business climate, and, in some courts, growing case backlogs that inhibit timely and equitable justice.

Courthouse Transfers—Senate Bill 10 (Dunn) revises the Trial Court Facilities Act to allow certain seismically deficient courthouse facilities to transfer to the state so long as counties retain liability for earthquake-related damage, replacement, injury, and loss to the same extent that counties would have if the responsibility for court facilities had not transferred to the state.

Courthouses’ seismic ratings have created an impasse in the transfer of facilities from the counties to the state. Transfers must precede any state-funded courthouse improvement or new construction replacement projects intended for that facility. SB 10 will allow for the orderly implementation of the Judicial Council’s Trial Court Five-Year Capital Outlay Plan to address deficient security, access, and life safety systems in California trial court facilities.

OTHER ACTIONS

Probate Conservatorship Reforms—The Legislature has approved the Omnibus Conservatorship and Guardianship Reform Act of 2006, a package of four bills designed to improve the administration of probate conservatorship cases in the trial courts. The bills provide the following:

AB 1363 (Jones)—Makes a number of reforms of the probate conservatorship system, including enhanced court review of conservatorships primarily through increasing the frequency and scope of court investigations.

SB 1116 (Scott)—Increases court oversight of moves of conservatees and the sale of their homes.

SB 1550 (Figueroa)—Enacts the Professional Fiduciaries Act, which establishes in the Department of Consumer Affairs a new licensure scheme governing professional conservators, guardians, and other fiduciaries.

SB 1716 (Bowen)—Authorizes court action in response to ex parte communications or informal complaints regarding a conservator or the performance of a conservator's fiduciary duties.

Court Interpreters for Civil Cases—The Legislature also passed Assembly Bill 2302 (Committee on Judiciary: Jones), which requires courts to provide court interpreters in civil cases. The bill establishes a priority list based on whether the litigant has an attorney or receives a fee waiver and by case type. The bill takes effect on July 1, 2007, and limits the amount of expenditures for this purpose in 2007–2008 to \$10 million. The measure is designed to assist the nearly 7 million Californians who do not speak English and who need interpreters to meaningfully represent themselves in civil actions that affect their fundamental rights, such as domestic violence and family law actions.

Earlier this summer, the Legislature approved a \$3.4 billion operating budget for trial and appellate courts for fiscal year 2006–2007 and an 8.5 percent pay increase for California judges effective January 1, 2007.

The Judicial Council is the policymaking body of the California courts, the largest court system in the nation. Under the leadership of the Chief Justice and in accordance with the California Constitution, the council is responsible for ensuring the consistent, independent, impartial, and accessible administration of justice. The Administrative Office of the Courts carries out the official actions of the council and promotes leadership and excellence in court administration.

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